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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
AT COLUMBUS

IN RE:

Barrett Scott Greenawald  
Roberta Lynn Greenawald

Debtors

Case No. 16-54733

Chapter 13  
Judge Hoffman

**OBJECTION TO DEBTOR'S PLAN BY  
CITIFINANCIAL SERVICING LLC  
(PROPERTY LOCATED AT 8017  
MARBLE PARK AVENUE,  
REYNOLDSBURG, OH 43068)**

Now comes CitiFinancial Servicing LLC, a secured creditor, and respectfully Objects to the proposed Chapter 13 Plan filed herein. This Objection is supported by the following Memorandum.

/s/Edward J. Boll III

Edward J. Boll III, Case Attorney  
LERNER, SAMPSON & ROTHFUSS  
Bar Registration No. 0072982  
Attorneys for Creditor  
PO Box 5480  
Cincinnati, OH 45201-5480  
(513) 241-3100 ext. 3202  
(513) 354-6464 fax  
sohbk@lsrlaw.com

### **MEMORANDUM**

On May 9, 2006, Debtors Barrett Scott Greenawald and Roberta Lynn Greenawald obtained a loan in the amount of \$17,278.12 as evidenced by a Disclosure Statement, Note and Security Agreement. On May 9, 2006, Debtors Barrett Scott Greenawald and Roberta Lynn Greenawald executed a Mortgage which was filed for record as document number 200605100090249 in the Franklin County, Ohio Recorder's records which is secured by the Debtor's principal residence located 8017 Marble Park Avenue, Reynoldsburg OH 43026. CitiFinancial Servicing LLC ("Creditor") currently holds the mortgage.

The Chapter 13 Plan proposed herein seeks provides for Creditor's mortgage claim in Paragraph B(3), which provides:

*B(3). Liens and/or Mortgages to be Paid as Unsecured Claims.*

*The following claims secured by a lien and/or mortgage will be paid as unsecured claims concurrent with Class 5 general unsecured claims. Debtor shall file a separate motion or adversary proceeding to determine: (i) whether the property listed below vests free and clear of the lien(s) and/or mortgage(s) pursuant to § 1327 or (ii) whether the lien(s) and/or mortgage(s) listed below may be avoided pursuant to other applicable provisions of the Bankruptcy Code. Notwithstanding § 1327(a), confirmation of the Plan shall not be dispositive of: (i) the valuation of the collateral or (ii) the secured status of the claims. Debtor has standing and authority to file the motion or adversary proceeding; to the extent that the Trustee has standing to bring such action, standing is hereby assigned to Debtor.*

The first mortgage claim is estimated to have a payoff in the amount of \$223,988.17, according to Debtor's schedules. Debtors value the real property at \$219,000.00 according to Schedule A and the one page appraisal filed with the Court. The case at In re Lane, 280 F. 3d 663 (6th Cir. 2002) holds that a junior mortgage on debtors' residence may not be stripped down if there is any equity to support it. According to the Creditor's August 14, 2016 evaluation, a copy of which is attached as Exhibit "A," the Real Property has a value of at least \$236,000.00, which reveals equity above and beyond the first mortgage holder's estimated \$223,988.17 claim. Accordingly, Creditor second mortgage claim is fully

secured.

Wherefore, Creditor respectfully requests that confirmation of the proposed plan be denied.

/s/Edward J. Boll III  
Edward J. Boll III, Case Attorney  
LERNER, SAMPSON & ROTHFUSS  
Bar Registration No. 0072982  
Attorneys for Creditor  
PO Box 5480  
Cincinnati, OH 45201-5480  
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**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing Objection to Debtor's Plan of the secured creditor, CitiFinancial Servicing LLC, was electronically transmitted on September 7, 2016 via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice list:

Mark Albert Herder, Esq., Attorney for Debtor  
1031 East Broad Street  
Columbus, OH 43205  
Markalbertherder@yahoo.com

Faye D. English, Trustee  
One Columbus  
10 West Broad Street, Suite 900  
Columbus, Ohio 43215-3449  
notices@ch13columbus.com

Office of the U.S. Trustee  
170 North High Street, Suite 200  
Columbus, Ohio 43215  
ustpreion09.cb.ecf@usdoj.gov

And by via regular U.S. mail, postage pre-paid:

Barrett Scott Greenawald  
8017 Marble Park Avenue  
Reynoldsburg, OH 43068

Roberta Lynn Greenawald  
8017 Marble Park Avenue  
Reynoldsburg, OH 43068

/s/Edward J. Boll III  
Edward J. Boll III, Case Attorney  
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IN RE:

Barrett Scott Greenawald  
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Debtors

Case No. 16-54733

Chapter 13  
Judge Hoffman

**NOTICE OF FILING OF OBJECTION TO  
DEBTOR'S PLAN BY CITIFINANCIAL  
SERVICING LLC (PROPERTY  
LOCATED AT 8017 MARBLE PARK  
AVENUE, REYNOLDSBURG, OH 43068)**

**OFFICIAL FORM 20A**

CitiFinancial Servicing LLC has filed papers with the Court objecting to the confirmation of the debtor's Chapter 13 Plan.

**YOUR RIGHTS MAY BE AFFECTED.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the objection sought in the objection to plan, or if you want the court to consider your views on the objection to plan, then you or your attorney must:

- \* attend the confirmation hearing scheduled to be held at:

U.S. Bankruptcy Court  
170 N. High Street  
Columbus, Ohio 43215

If you, or your attorney, do not take these steps, the court may decide that you do not oppose the objection to plan and said objection may be granted by the Court.

DATED: September 7, 2016

/s/Edward J. Boll III

Edward J. Boll III, Case Attorney

LERNER, SAMPSON & ROTHFUSS

Bar Registration No. 0072982

Attorneys for Creditor

PO Box 5480

Cincinnati, OH 45201-5480

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